IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CIVIL NO. 1:04CV162

BARBARA COLLINGSWORTH,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER OF DISMISSAL
)	
COATS AMERICAN, INC.,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed August 16, 2005.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court,
United States Magistrate Judge Dennis L. Howell, was designated to consider pending motions in
the captioned civil action and to submit to this Court recommendations for the disposition of
these motions.

On August 16, 2005, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding Defendant's motion to dismiss for failure to respond to discovery. The Plaintiff, who is proceeding *pro se*, and counsel for the Defendant were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days of service

¹The Plaintiff was initially represented by counsel. However, he was allowed to withdraw from the action after Plaintiff failed to answer Defendant's discovery.

of the Recommendation; the period within which to file objections expired on September 2, 2005. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the action be dismissed.

IT IS, THEREFORE, ORDERED that the Defendant's motion to dismiss for failure to respond to discovery is ALLOWED, and this matter is hereby DISMISSED WITH PREJUDICE.

Signed: September 8, 2005

Lacy H. Thornburg United States District Judge